

EXHIBIT 8

RE: Nunez: Request for Documents**Scheiner, Alan (Law) <ascheine@law.nyc.gov>**

Tue 6/6/2023 2:00 PM

To: Anna Friedberg <afriedberg@tillidgroup.com>; Katherine Haas <khaas@legal-aid.org>; Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Steve Martin <sjmart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>
Cc: Neufeld, Sheryl (Law) <sneufeld@law.nyc.gov>; Mary Lynne Werlwas <MLWerlwas@legal-aid.org>; Iodice, Ashley (Law) <aiodice@law.nyc.gov>; Shechtman, Paul (DOC) <Paul.Shechtman@doc.nyc.gov>; Hendy, Cherae <Cherae.Hendy@doc.nyc.gov>; Wolecki, Hilary <Hilary.Wolecki@doc.nyc.gov>; Kayla Simpson <KSimpson@legal-aid.org>; Debbie Greenberger <dgreenberger@ecbawm.com>; Jonathan S. Abady <jabady@ecbawm.com>; Vasudha Talla <vtalla@ecbawm.com>; Sana Mayat <smayat@ecbawm.com>; Brar, Jenu (Law) <jbrar@law.nyc.gov>; Khan, Mariam (LAW) <markhan@law.nyc.gov>; Mooklal, Stefan (LAW) <smooklal@law.nyc.gov>; Relkin, Rachel (Law) <rrelkin@law.nyc.gov>; Waite, Tisha (Law) <twait@law.nyc.gov>; Eshkenazi, Lara (USANYS) <Lara.Eshkenazi@usdoj.gov>

Counsel, The Report and the documentary materials provided to the Monitor concern matters that are under ongoing investigation with City and state agencies, including the DOC, the Department of Investigation and the NY State Attorney General's Office. Accordingly, the materials implicate the law enforcement privilege because the release of the information could compromise those investigations. Absent adequate protections of confidentiality, the City asserts the law enforcement privilege as to the Report and those materials (except to the extent that the information has already been made public in the docket or the press), and therefore the City objects to the disclosure of the materials to plaintiffs without those protections.

In addition, the Report and documents provided to the Monitor contain confidential health information concerning Persons In Custody.

To allay the above concerns regarding the law enforcement privilege, the City requests the parties' agreement to treat the Report, the documents produced to the Monitor, and the information that they contain, as attorneys-eyes-only, and that such documents or information be submitted to the Court under seal absent further agreement or further Order of the Court.

In addition to the above requested protections, the Report, and any documents that may later be produced by the Monitor relating to the May 31 Order, are designated by the City as Confidential pursuant to the Amended Protective Order (ECF No. 89).

Please let us know your position on these issues. Thank you for your cooperation in this matter.

Sincerely,

Alan H. Scheiner
Senior Counsel
Special Federal Litigation Division
NYC Law Department
100 Church Street, Rm. 3-177
New York, New York 10007
(212) 356-2344

From: Anna Friedberg <afriedberg@tillidgroup.com>**Sent:** Tuesday, June 6, 2023 11:33 AM**To:** Katherine Haas <khaas@legal-aid.org>; Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Steve

Martin <sjmart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>

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Subject: [EXTERNAL] RE: Nunez: Request for Documents

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All,

Please find attached a copy of the report that the City provided to the Monitoring Team yesterday pursuant to Judge Swain's May 23, 2023 report. The City also provided the Monitoring Team with some additional supplementation information to the Monitoring Team a short while ago and I have provided that below. The City has designated this report as confidential.

- On May 16, 2023, Captain # 1 received Charges and Specifications in connection with the PIC-1 incident 1, for not reporting to the Tour Commander the second Use of Force against James. The agreed penalty was four days.
- On May 16, 2023, ADW # 1 received a corrective interview and written reprimand in connection with the PIC-1 incident 1, for a failure to report to the Commissioner's office the EMS activation and serious injuries.

Thanks,

Anna

—
Anna E. Friedberg

Tillid- President
178 Columbus Avenue, # 230842
New York, NY 10023-9998
T: 1.646.895.6567 | M: 1.917.584.6434
afriedberg@tillidgroup.com
www.tillidgroup.com

From: Katherine Haas <khaas@legal-aid.org>

Sent: Tuesday, June 6, 2023 11:01 AM

To: Anna Friedberg <afriedberg@tillidgroup.com>; Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Steve Martin <sjmart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>

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Good Morning,

We wanted to check in regarding this request. Was the report provided to the Monitor by noon yesterday as scheduled and, if so, is there any update on when it will be produced to Plaintiffs?

Thanks,

Katie

From: Anna Friedberg <afriedberg@tillidgroup.com>

Sent: Monday, June 5, 2023 5:12 PM

To: Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Katherine Haas <khaas@legal-aid.org>; Steve Martin <sjmart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>

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Dear Katie and Jeff,

We have received your request and will respond as soon as possible.

Anna

—
Anna E. Friedberg

Tillid- President
178 Columbus Avenue, # 230842
New York, NY 10023-9998
T: 1.646.895.6567 | M: 1.917.584.6434
afriedberg@tillidgroup.com
www.tillidgroup.com

From: Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>

Sent: Monday, June 5, 2023 5:09 PM

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The SDNY joins in this request for the status report that that the Defendants were required to provide the Monitoring Team today. Thanks.

Jeffrey K. Powell
Co-Chief
Civil Frauds Unit
Southern District of New York
86 Chambers Street
New York, NY 10007
(212) 637-2706 (p)
jeffrey.powell@usdoj.gov

From: Katherine Haas <khaas@legal-aid.org>

Sent: Monday, June 5, 2023 2:46 PM

To: Steve Martin <sjmart@sbcglobal.net>; Anna Friedberg <afriedberg@tillidgroup.com>; Nunez-NYC <nunez-nyc@tillidgroup.com>

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Monitoring Team:

Pursuant to the Consent Judgment, § XIX, ¶ 8, the Plaintiff Class writes to request documents relevant to Defendants' non-compliance with the Consent Judgment. Specifically, the Plaintiff Class requests the complete status report submitted by the Defendants to the Monitoring Team on or around June 5, 2023, pursuant to Dkt. No. 535.

Thank you for your time.

All the best,

Katie Haas